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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,701	12/04/2003	Kazushige Hatori	00862.023346.	9227
5514 7590 09/03/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
MCCOMMAS, BRENDAN N				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
09/03/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/726,701

**Applicant(s)**

HATORI ET AL.

**Examiner**

BRENDAN MCCOMMAS

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11, 12, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11, 12, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/04/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-089)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 11-12 and 15-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsubori et al. (United States Patent 7,283,267) hereinafter referenced as Mitsubori in view of Enomoto (U.S. Patent Publication 2002/0131080).
3. **Regarding claim 11**, Mitsubori discloses a data processing device, data processing method and data processing program for recognizing characters in a URL. In addition Mitsubori discloses a print service system in figure 2 comprising:
  4. an acquiring unit 111 adapted to acquire a designated type of print devices for printing a content (in this case monochrome or color printing), as exhibited in figure 25, step s910, and figure 2 .
  5. a first judging unit located in the scanner 18 adapted to judge whether or not the content is to be printed in is color, as disclosed in column 16, lines 40-50; and
  6. a print control unit located in the scanner 18 adapted to print the content using a print device of a plurality of print devices (40 a-c) having the designated type when said first judging unit judges that the content is not to be printed in color, but to print the content using one print device selected from among the plurality of print devices having

the designated type when said first judging unit judges that the content to be printed is color, as disclosed in column 16, lines 40-50.

7. **Regarding claim 12**, Mitsubishi discloses everything claimed as applied above (see claim 11). However Mitsubishi fails to explicitly disclose the system further comprising a second judging unit adapted to judge whether or not a print order is reorder, wherein when the second judging unit judges that the print order is a reorder, the acquiring unit acquires information identifying a print device used at a previous print order and said print control unit controls the content using the print device identified by the acquired information. However it would have been obvious to one of ordinary skill in the art to include such a modification to Mitsubishi, as disclosed in Enomoto.

8. In a similar field of endeavor, Enomoto discloses a print system. In addition Enomoto discloses that his print system further includes a second judging unit adapted to judge whether or not a print order is reorder, wherein when the second judging unit judges that the print order is a reorder, the acquiring unit acquires information identifying a print device used at a previous print order and said print control unit controls the content using the print device identified by the acquired information, as disclosed in [0040].

9. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Mitsubishi, to include a second judging unit adapted to judge whether or not a print order is reorder, wherein when the second judging unit judges that the print order is a reorder, the acquiring unit acquires information identifying a print device used at a previous print order and said print control

unit controls the content using the print device identified by the acquired information for the purpose of allowing the process to proceed more quickly.

10. **Regarding claim 15**, Mitsubori and Enomoto disclose everything claimed as applied above (see claim 11). In addition claim 15 is interpreted and rejected for the reasons set forth in the rejection of claim 11. Claim 11 describes an apparatus, and claim 15 describes the specific method used to implement the apparatus. Thus claim 15 is rejected.

11. **Regarding claim 16**, Mitsubori and Enomoto disclose everything claimed as applied above (see claim 11). In addition Mitsubori discloses a system wherein the print control unit, when the first judging unit judges that the content is not to be printed in color controls to print the content by assigning a print job for a respective page or a respective copy of the content to each of the plurality of print devices having the designated type, as exhibited in figure 25 step S910, and disclosed in column 16, lines 29-67.

### ***Response to Arguments***

12. The Applicant's arguments received on 5/21/2008 have been fully considered but they are considered moot on the new grounds of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRENDAN MCCOMMAS whose telephone number is (571)270-3575. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Haskins can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Brendan N. McCommas/  
Examiner, Art Unit 2625

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Examiner, Art Unit 2625

/Twyler L. Haskins/  
Supervisory Patent Examiner, Art Unit 2625